

THE NATIONAL ARCHIVES
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 FEDERAL REGISTER
 OF THE UNITED STATES
 1934
 VOLUME 14 NUMBER 33
 Washington, Friday, February 18, 1949

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

CHANGES IN FIELD SERVICE AND DISTRICTS

FEBRUARY 2, 1949.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

Section 110.1, *Designated ports of entry except for aircraft*, is amended by deleting "District No. 10—Spokane, Washington," and all ports of entry for aliens listed under that heading and by adding such ports of entry to the listing under "District No. 12—Seattle, Washington" so that the listing under that district will read as follows:

DISTRICT NO. 12—SEATTLE, WASHINGTON

Class A

Boundary, Alaska.
 Eagle, Alaska.
 Haines, Alaska.
 Juneau, Alaska, BSI.
 Ketchikan, Alaska
 (the port of
 Ketchikan in-
 cludes, among
 others, the port
 facilities at Sitka
 and Wrangell,
 Alaska; Ketchikan
 proper, BSI).
 Skagway, Alaska,
 BSI.
 Tok Junction,
 Alaska.
 Eastport, Idaho, BSI.
 Porthill, Idaho.
 Babb, Mont.
 Chief Mountain,
 Mont. (May-Octo-
 ber).
 Del Bonita, Mont.
 Gothaunt Camp,
 Mont. (May-Octo-
 ber).
 Havre, Mont.
 Loring, Mont.
 Ophelm, Mont.
 Raymond, Mont.
 Rosville, Mont.
 Scobey, Mont.
 Sweetgrass, Mont.,
 BSI.
 Turner, Mont.

Whitetail, Mont.
 Astoria, Oreg.
 Coos Bay, Oreg.
 Portland, Oreg., BSI.
 Aberdeen, Wash.
 Anacortes, Wash.
 Bellingham, Wash.,
 BSI.
 Blaine, Wash., BSI.
 Danville, Wash.
 Edmonds, Wash.
 Everett, Wash.
 Ferry, Wash.
 Friday Harbor, Wash.
 (the port of Fri-
 day Harbor in-
 cludes, among
 others, the port
 facilities at Roche
 Harbor, Wash.).
 Laurier, Wash.
 Longview, Wash.
 Lynden, Wash., BSI.
 Metaline Falls, Wash.
 Northport, Wash.
 Olympia, Wash.
 Oroville, Wash., BSI.
 Port Angeles, Wash.,
 BSI.
 Port Townsend,
 Wash.
 Seattle, Wash., BSI.
 South Bend, Wash.
 Sumas, Wash., BSI.
 Tacoma, Wash., BSI.

Class B

Trail Creek, Mont.
 Whitlash, Mont.

Class C

Bangor, Wash.
 Blake Island, Wash.
 Bremerton, Wash.
 DuPont, Wash.
 Houghton, Wash.
 Kingston, Wash.
 Mukilteo, Wash.

This order shall become effective on April 1, 1949. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable for the reason that these rules pertain solely to agency organization.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, 8 U. S. C. 102, 222, 458)

H. R. LANDON,
 Acting Commissioner of
 Immigration and Naturalization.

Approved: February 14, 1949.

TOM C. CLARK,
 Attorney General.

[F. R. Doc. 49-1267; Filed, Feb. 17, 1949;
 8:49 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

[Domestic Uranium Program Circular 5]

PART 60—DOMESTIC URANIUM PROGRAM GUARANTEED MINIMUM PRICE FOR URANIUM-BEARING CARNOTITE-TYPE OR ROSCOELITE-TYPE ORES OF COLORADO PLATEAU AREA

§ 60.5 *Guaranteed minimum price for uranium-bearing carnotite-type or roscelite-type ores of the Colorado Plateau area*—(a) *Guarantee*. To stimulate domestic production of uranium-bearing ores of the Colorado Plateau area, commonly known as carnotite-type or roscelite-type ores, and in the interest of the common defense and security, the United States Atomic Energy Commission hereby establishes the guaranteed minimum prices specified in § 60.5a effective during the period, February 1, 1949 through June 30, 1954, for the de-

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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livery of such ores to the Commission at Monticello, Utah in accordance with the terms of this section and § 60.5a.

NOTE: In §§ 60.1 and 60.2 (Domestic Uranium Program, Circulars No. 1 and 2), the Commission established guaranteed prices for other domestic uranium-bearing ores, mechanical concentrates, and refined uranium products.

(b) *Effect on §§ 60.3, 60.3a and 60.4.* Sections 60.3, 60.3a, 60.4 which also apply to carnotite and roscoelite ores, are not revoked by the issuance of this section and § 60.5a and sellers may elect to deliver ore under the provisions of §§ 60.3, 60.3a, and 60.4 rather than under this section and 60.5a, at their option, during the unexpired terms of §§ 60.3, 60.3a and 60.4 (through April 11, 1951 and June 30, 1949, respectively). It is believed, however, that in most cases the provisions of this section and § 60.5a will be more favorable to producers.

(c) *Definitions.* As used in this section and in § 60.5a, the term "buyer" refers to the U. S. Atomic Energy Commission, or its authorized purchasing agent. The term "ore" does not include mill tailings or other mill products. The term "seller" refers to any person offering uranium ores for delivery to the Commission. Weights are avoirdupois dry weights, unless otherwise specifically provided.

(d) *Deliveries of not to exceed 1,000 tons per year.* To aid small producers, any one seller may deliver without a written contract but otherwise in accordance with this circular up to, but not exceeding, 1,000 short tons (2,000 pounds per ton) of ores during any calendar year.

(e) *Deliveries in excess of 1,000 tons per year.* Sellers desiring to deliver in excess of 1,000 short tons (2,000 pounds per ton) of ores during any calendar year will be required to enter into a contract with the Commission providing for, among other things, a rate of delivery and the total quantity of ore to be delivered.

(f) *Delivery.* Seller, at his own expense, shall deliver and unload all ores at the buyer's depot at Monticello, Utah. Deliveries shall be in lots of not less than 10 short tons (2,000 pounds per ton) unless special arrangements have been agreed upon by buyer, but such lots may be delivered in more than one load. Days and hours during which ore may be delivered will be posted at the depot.

(g) *Weighing, sampling and assaying.* Buyer will bear the cost of weighing, sampling and assaying. The net weight of each load will be determined by the buyer's weighmaster on scales which will be provided by the buyer at or in the vicinity of the purchase depot and such weight will be accepted as final. A weight ticket will be furnished seller or his representative for each load. Each lot of ores will be sampled promptly by the buyer according to standard practice and such sampling will be accepted as final. Seller or his representative may be present at the sampling at his own expense. The absence of seller or his representative shall be deemed a waiver of this right. Buyer will make moisture determinations according to standard practices in ore sampling. All final samples will be divided into four pulps and distributed as follows: (1) The seller, or his representative, will receive one pulp; (2) the buyer will retain one pulp; (3) the other two pulps will be reserved for possible umpire analysis. The buyer's pulp will be assayed by the buyer. The seller may, if he desires, and at his own expense, have his pulp assayed by an independent assayer. In case of disagreement on assays as to any constituent of the ores, an umpire shall be selected in rotation from a list of umpires approved by the buyer whose assays shall be final if within the limits of the assays of the two parties; if not, the assay which is nearer to that of the umpire shall prevail. The party whose assay is the farther from that of the umpire will pay the cost of the umpire's assay for the constituent of the ores which is in dispute. In the event that the umpire's assay is equally distant from the assay of each party, costs will be split equally. In case of seller's failure to make or submit assays, buyer's assays shall govern. After sampling, the ores may be placed in process, commingled, or otherwise disposed of by buyer.

(h) *Payment.* Buyer will make payment promptly but payment will not be made until an entire minimum lot of ten short tons (2,000 pounds per ton) has been delivered and accepted, unless special arrangements have been agreed upon by buyer, in which case there may be an extra charge for assaying and sampling. Moisture determinations, analyses and settlement sheets, together with the check in payment, will be mailed to seller.

(i) *Inquiries.* All inquiries concerning the provisions of this section and § 60.5a, offers to deliver ores, or questions about the Commission's domestic uranium program in the Colorado Plateau area should be addressed to:

United States Atomic Energy Commission, Post Office Box 270, Grand Junction, Colorado; Telephone: Grand Junction 3000.

(j) *Licenses.* Arrangements will be made by the Commission for the issuance of licenses, pursuant to the Atomic Energy Act of 1946, covering deliveries of source material to the Commission under this section and § 60.5a.

(k) *Limitation of commitment.* Commitments by the Commission to accept delivery of ores are limited to the provisions of this section and § 60.5a as amended from time to time, or to written contracts between the Commission and sellers. Other commitments purporting to be made by the Commission's field personnel or other agents of the Commission will not bind the Commission unless they are in accord with the provisions of this section and § 60.5a or other official circulars.

§ 60.5a *Schedule I; Minimum prices, specifications, and conditions—(a) Prices.* Payment for delivery of the ores will be computed on the following basis:

(1) *Uranium.* (i) Ores assaying less than 0.10%: no payment. Any such ores which are delivered to the purchase depot shall, unless otherwise specifically agreed to by buyer, become the property of the buyer as liquidated damages for buyer's expense of weighing, sampling, and assaying, and after sampling may be placed in process, commingled, or otherwise disposed of by buyer. If seller has any question as to the quality of his ore, it is suggested that before shipment and delivery to the purchase depot a representative sample be submitted to the buyer or to one of the umpires for assay at seller's expense. The buyer at its discretion may assay a limited number of samples without charge.

(ii) Ores assaying 0.10% U_3O_8 and more, as follows:

U_3O_8 assay:	Payment per pound U_3O_8
0.10 percent.....	\$0.50
0.11 percent.....	.70
0.12 percent.....	.90
0.13 percent.....	1.10
0.14 percent.....	1.30
0.15 percent.....	1.50
0.16 percent.....	1.60
0.17 percent.....	1.70
0.18 percent.....	1.80
0.19 percent.....	1.90
0.20 percent and more.....	2.00

(iii) *Premiums on uranium:* \$0.25 per pound for each pound of U_3O_8 in excess of 4 pounds U_3O_8 per short ton (2,000 pounds per ton) of ore and an additional premium of \$0.25 per pound for each pound in excess of ten pounds U_3O_8 per short ton. Fractional parts of a pound will be paid for on a pro rata basis to the nearest cent.

(2) *Vanadium.* V_2O_5 at \$0.31 per pound up to, but not exceeding, ten pounds of V_2O_5 for each pound of U_3O_8 contained in ores. No factor will be included for V_2O_5 in excess of ten pounds for each pound of U_3O_8 , although buyer may, from time to time, publicly announce that, for limited periods by written agreements with individual producers, V_2O_5 in excess of ten-to-one will be paid for. Any such announcement will be made by posting a notice to this effect at the Monticello depot and through such other channels as are deemed suitable to achieve maximum dissemination among producers. Excess

V_2O_5 shall be deemed to be buyer's property.

(3) *Allowances.* (i) A development allowance of \$0.50 per pound U_3O_8 contained in ores assaying 0.10% U_3O_8 or more in recognition of the expenditures necessary for maintaining and increasing developed reserves of uranium ores. Fractional parts of a pound will be paid for on a pro rata basis to the nearest cent. Sellers accepting this allowance are deemed to agree to spend such funds for the development or exploration of their properties. Sellers delivering less than 1,000 short tons per calendar year will not be required to submit an accounting record of expenditures for development or exploration pursuant to this agreement but sellers delivering in excess of 1,000 short tons per calendar year will be required, under the terms of their contracts, to submit proof satisfactory to the Commission that funds equivalent to the amount received as development allowance have been spent for development or exploration either during the contract period or within six months thereafter, unless otherwise provided in the contract.

(ii) A haulage allowance of 6¢ per ton mile for transportation of ore paid for under this circular from the mine where produced to the purchase depot specified by the Commission, up to a maximum of 100 miles. The haulage distance from the mine to the purchase depot will be determined by the Commission and its decision will be final. Tonnages for purposes of this allowance shall be calculated on the basis of natural weights rather than dry weights.

(4) *Adjustment of assays.* Assays shall be adjusted to the nearest 0.01% for purposes of payment.

(b) *Quality and size.* Ores will not be accepted by buyer under this circular which, in buyer's judgment:

(1) Contain less than 0.10% U_3O_8 ;

(2) Contain more than three parts of lime ($CaCO_3$) to one part of V_2O_5 , or a total of more than 6% lime in the ore;

(3) Contain impurities deleterious to buyer's extraction process or for any other reason are not amenable to it;

(4) Contain lumps in excess of twelve inches in size.

NOTE: The Commission will be interested in discussing arrangements for delivery to it of types of uranium-bearing materials other than those for which guaranteed prices have been established, such as tailings, mill products, and ores of types not acceptable under §§ 60.5 and 60.5a.

(Sec. 5 (b), 60 Stat. 761; 42 U. S. C. 1805 (b))

Effective February 1, 1949 through June 30, 1954.

Dated at Washington, D. C., this 7th day of February, 1949.

By order of the Commission.

C. SHUGG,
Acting General Manager.

[F. R. Doc. 49-1263; Filed, Feb. 17, 1949; 9:05 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d. Gen. Rev. of Export Regs., Amdt. 43]

PART 372—GENERAL LICENSES

ADDITIONAL EXPORTABLE COMMODITIES

Section 372.8 *General license "GRO"* is amended in the following particulars:

The list of specified commodities exportable under general license "GRO" is amended by adding thereto the following commodities:

Department of Commerce Schedule B No.	Commodity
090900.....	Other inedible animals and animal products: Bees.
303110-303400.....	Cotton manufactures:
303700.....	Cotton cloth (gray) medium and coarse yarn fabrics, all widths, including drills, twills, and warp sateens, sheeting and osnaburgs.
303900.....	Print cloth yarn fabric constructions, all widths, above 36 x 32 count (report tobacco and cheesecloth, 36 x 32 count and lower construction in 303900).
304000-304120.....	Gray cloth, n. e. s. except airplane cloth (in the piece), balloon fabric, mosquito netting, and typewriter ribbon cloth over 12" wide.
304210-304300.....	Finished cloth, bleached, dyed, printed, stiffened, or otherwise converted, and colored yarn fabrics:
304510.....	Drills, twills, and warp sateens, not over 40 inches wide, bleached, dyed in the piece, and printed (report drills, twills and warp sateens, not over 40 inches wide, dyed in the piece in 304110).
304610, 304710.....	Sheeting, not over 40 inches wide, bleached, dyed in the piece and printed.
304800-304920.....	Drills, twills, and warp sateens, over 40 inches wide.
305110-305220.....	Sheeting, over 40 inches wide, bleached, dyed and printed.
305510, 305590.....	Carded broadcloth, all widths, bleached, dyed in the piece and printed.
305700-306100.....	Print cloth, all widths, bleached, dyed in the piece, and printed.
306700, 307000.....	Napped fabrics: cotton flannels, bleached or colored and other napped fabrics in the piece.
307600.....	Colored yarn fabrics: denims, suitings, twill-coverts, cottonades, chambrays, chevrons, shirts and colored yarn fabrics, n. e. s.
307900.....	Fine goods and combed cotton fabrics, bleached, dyed, printed, flock-dot, or clipped, voiles, organdies, lawns, and batistes combed; piques combed and combed and carded goods, n. e. s. (report marquisettes, combed in 307300).
308000-308950.....	Cotton and wool mixtures (cotton chief value, not less than 80% cotton by weight).
	Cotton and rayon mixtures (cotton chief value).
	Other cotton fabrics:
	Knit fabric in the piece (except mosquito netting, tricot knitted; net and netting, tricot knitted); table damask, in the piece; tapestry, and other upholstery materials, plain, jacquard, and dobby-woven; plushes; other pile fabrics n. e. s. sold by the pound.

* The Schedule B numbers set forth in this amendment are the Schedule B numbers as revised in the January 1, 1949, edition of "Statistical Classification of Domestic and Foreign Commodities Exported from the United States".

Department of Commerce Schedule B No.	Commodity
	Cotton manufacturers—Continued
	Other cotton fabrics—Continued
313200	Laces, embroideries and articles, thereof, n. e. s. except bobbinet machine mosquito bars and netting; levers machine mosquito bars and netting; nets; and Nottingham machine mosquito bars and netting.
316000	Cotton narrow fabrics, nonelastic, not over 12 inches wide: Braids, ribbons, trimmings, bindings, lacings, tape labels, and webbing, except surgical webbing and webbing for binding field coils.
316100	Narrow fabrics, n. e. s. except cartridge belt material; hose fabric, except rubberized; hose jackets; and typewriter ribbon, cut, except linked.
317100-318000	Cotton house furnishings: Blankets; quilts; comfortables; quilted bed pads; bedspreads; bed sheets; pillow cases; curtains and draperies (except lace); terry-woven towels, wash cloths and bath mats; huck, damask, and plain-woven towels and toweling; and cotton house furnishings, n. e. s.
339935	Vegetable fibers and manufactures: Handkerchiefs, linen.
364210-364900	Wool manufactures: Fabrics, wholly or chiefly of wool: woolcloth and dress goods, mohair cloth and other wool fabrics except felt cloth, filter-press cloth and roller cloth.
369700	Hair and manufactures: Carpet linings, crash padding, pads and rug cushions.
372098	Silk and manufactures:
	Broad silks (other than parachute cloth) except radium cloth and stencil cloth (report silk parachute cloth in 372005).
379900	Velvets, plushes, chenilles, ribbons including velvet ribbons, and tie lining.
384500-384921, 384930-385000	Synthetic fibers and manufactures: Piece goods wholly or chiefly of synthetic fibers: pile; knot fabric in the piece; upholstery and drapery fabrics, wider than 42 inches, woven; woven filament yarn fabrics n. e. s. except cord-tire and fuel-cell fabrics; woven spun yarn fabrics, n. e. s.; remnants and mill ends less than 10 yards in length; and house furnishings (report cord-tire and fuel-cell fabrics in 384925 and 384926).
	Miscellaneous textile products:
90100-391300	Linoleum, felt base floor coverings, oilcloth for shelf, table, and wall, and window-shade cloth (all types).
397000	Mattresses; cotton, kapok, moss, and hair.
399400	Garters, arm bands, suspenders, and braces.
399900	Second-hand clothing for resale.
429900	Wood manufactures: Toilet seats.
617900	Iron and steel manufactures: Padlocks; iron, steel, brass, and bronze.

This amendment shall become effective February 4, 1949.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: February 11, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-1277; Filed, Feb. 17, 1949;
8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-411]

PART 181—HANDKERCHIEF INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 15th day of February 1949.

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of February 18, 1949.

Statement by the Commission. Trade practice rules for the Handkerchief Industry, as hereinafter set forth, are promulgated by the Federal Trade Commis-

sion under the trade practice conference procedure.

Members of the industry include the manufacturers, importers, jobbers and others who are engaged in the business of placing on the market or distributing handkerchiefs of all kinds which are composed, in whole or in part, of cotton, linen, rayon, silk, nylon, wool, or other textile fiber. Annual sales of such industry products at retail aggregate \$140,000,000.

The rules are directed to the prevention of unfair competitive methods and trade abuses in the interest of protecting industry, trade, and the public, and of providing guidance and assistance to business in the maintenance of free and fair competition. Practices deemed to be unfair and harmful are defined and listed in the rules. Among the subjects covered are: Commercial bribery; false invoicing; exclusive dealing arrangements to exclude competitors' products; improper consignment distribution; tie-in sales; inducing breach of contract; misrepresentation of product and business status; defamation of competitors; selling below cost and use of "loss leaders"; combinations in restraint of trade; and discriminations in prices, in return of goods, and in facilities and services.

Minimum size for "men's handkerchiefs" is also specified in the rules. Likewise, provision is made respecting use of the term "hand-rolled" as applied to handkerchiefs; for marking "seconds"; and regarding improper or deceptive labeling. Other rules relate to record keeping, forms of contract, recording of trade-marks, repudiation of contracts, and dissemination of credit information.

The proceedings under which the rules have been formulated and established were instituted upon application from members of the industry. A general industry conference was held in New York City at which proposals for rules

were received and given consideration. Thereafter, a draft of proposed rules in appropriate form was made available by the Commission and public notice given whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, or objections as they desired to offer, and to be heard in the premises. Pursuant to the official notice, public hearing was held in Washington, D. C., and all matters presented thereat, or otherwise received in the proceeding, were duly considered.

Following such hearing, and upon consideration of the entire matter, the Commission approved and received respectively, the rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Definition. Handkerchiefs, as referred to in these rules, include all types and kinds of handkerchiefs for men, women and children made in whole or in part of cotton, linen, rayon, silk, nylon, wool, or other textile fiber.

NOTE: Paper products, including facial tissue made of paper, or the manufacture and marketing thereof, are not to be considered as coming within the scope of these rules. Such exclusion, however, shall not be regarded as a determination, express or implied, of the propriety or impropriety of the application of the word "handkerchief" to any paper product, nor shall such exclusion from these rules be construed as relieving anyone of the necessity of avoiding the use of unfair trade practices of the type herein referred to and falling within the inhibitions of the law as applied to paper tissues or other products.

GROUP I

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181.1	Fiber identification.
181.2	Fictitious prices.
181.3	Exclusive dealing arrangements to exclude sale of competitors' products.
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181.19	Imitation of trade-marks, trade names, etc.
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GROUP II

- Sec.
181.100 General statement.
181.101 Record keeping.
181.102 Forms of contract.
181.103 Repudiation of contracts.
181.104 Dissemination of credit information.
181.105 Recording of trade-marks.

AUTHORITY: §§ 181.0 to 181.105 issued under 38 Stat. 717, as amended, 15 U. S. C. 41, et seq.

GROUP I

§ 181.0 *General statement.* The unfair trade practices embraced in §§ 181.1 to 181.21 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 181.1 *Fiber identification.* (a) In the sale, offering for sale, or distribution of handkerchiefs, it is an unfair trade practice to misrepresent or deceptively conceal the fiber or material content of any such product.

(b) Handkerchiefs containing rayon, silk, or linen shall be identified as to their fiber and material content in labels, invoices, and advertisements, in accordance with the requirements of trade practice rules heretofore promulgated by the Commission for the Rayon Industry, Linen Industry, and Silk Industry; also, handkerchiefs containing, purporting to contain, or in any way represented as containing wool, reprocessed wool, or reused wool, shall be labeled in accordance with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder.

NOTE: A copy of the above-mentioned trade practice rules, and of the Wool Products Labeling Act of 1939 and regulations issued thereunder, will be sent by the Commission to any industry member making request therefor.

[Rule 1]

§ 181.2 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale handkerchiefs at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer to sell such handkerchiefs at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 2]

§ 181.3 *Exclusive dealing arrangements to exclude sale of competitors' products.* It is an unfair trade practice to sell or contract for the sale of handkerchiefs, or to fix a price charged therefor, or to allow a discount from or rebate upon such price, on the condition, agreement or understanding that the purchaser shall not deal in the products of a competitor or competitors of the seller, where the effect of such sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly. [Rule 3]

§ 181.4 *Selling below cost.* The practice of selling handkerchiefs below the seller's cost with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade is an unfair trade practice. All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs, however, which are referred to in this section, are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 4]

§ 181.5 *False invoicing.* Withholding from or inserting in an invoice any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction represented on the face of such invoice, with the purpose or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 5]

§ 181.6 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 6]

§ 181.7 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 7]

§ 181.8 *Misrepresentation of industry products.* Making or causing to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, substance, content, character, nature, origin, size, manufacture, decoration, preparation, distribution, or sale of any handkerchiefs of the industry, or in any other material respect, is an unfair trade practice. [Rule 8]

§ 181.9 *Misrepresentation of business status.* It is an unfair trade practice for any person, partnership, corporation, or organization, directly or indirectly, to represent himself or itself as being the owner or operator of a factory or producing company making handkerchiefs advertised, offered for sale, sold or distributed, when such person or concern does not in fact own or operate such a factory or producing company making such handkerchiefs. The use of any other deceptive or misleading device or method respecting the character, nature, or

status of the business of any person, concern, or organization engaged in selling or promoting the sale of handkerchiefs is likewise an unfair trade practice. [Rule 9]

§ 181.10 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase, or contract to purchase, handkerchiefs manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 10]

§ 181.11 *Consignment distribution.* It is an unfair trade practice for any member of the industry to use the practice of shipping handkerchiefs on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or to unreasonably restrain trade: *Provided, however,* That nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of handkerchiefs in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected. [Rule 11]

§ 181.12 *Unlawful combination in restraint of trade.* It is an unfair trade practice for a member of the industry or other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 12]

§ 181.13 *Use of "loss leaders."* The practice of selling any type of handkerchiefs below the seller's cost as a "loss leader" to induce the purchase of other merchandise, the sale of the latter being used to recoup the loss sustained on the "loss leader" product so sold, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 13]

§ 181.14 *Prohibited discrimination—*
(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce¹ of handkerchiefs of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to subdivisions (i), (ii), (iii) of subparagraph (1) of this paragraph, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, of rebates, refunds, discounts, credits, allowances, or other form of price differential.

(i) Nothing, however, herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the handkerchiefs are sold or delivered to said purchasers.

(ii) Nor shall anything herein contained prevent persons engaged in selling products in commerce¹ from selecting their own customers in bona fide transactions and not in restraint of trade.

(iii) Nor shall anything herein contained prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the products concerned, or (b) the marketability of the products, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of handkerchiefs in commerce,¹ it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in

behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* In the selling of handkerchiefs in commerce¹ by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of anything of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

(1) As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

(d) *Prohibited discrimination in services or facilities.* In the sale of handkerchiefs bought for resale, with or without processing, it is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all purchasers on proportionally equal terms.

(1) Said services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the handkerchiefs purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry, in the course of commerce¹ in which he is engaged, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 14]

§ 181.15 *Deceptive labeling or marking.* It is an unfair trade practice to label any handkerchiefs or to mark any container of handkerchiefs in such manner as to be misleading or deceptive to the purchasing or consuming public. Under this section words, representations, and devices used must not only in themselves be free from deception or misleading tendencies or effects, but also shall not be set forth in such obscure, remote, inconspicuous, or other manner as to have the capacity and tendency or effect of causing the public to be misled or deceived or of aiding others to cause the public to be so misled or deceived. (For other provisions regarding required marking, see also §§ 181.1 and 181.16) [Rule 15]

§ 181.16 *Disclosure in respect to "seconds".* (a) Handkerchiefs which are seconds or which are represented as being seconds shall be so marked, clearly and conspicuously, to the end that confusion, misunderstanding, or deception of the purchasing or consuming public may be avoided and prevented. Such disclosure of seconds shall also be made in invoices as well as on the product itself and the immediate package in which it is sold to the consumer, and on display cards, advertisements, or other representations under which such seconds are offered for sale or advertised to the purchasing or consuming public. For purposes of this section, the term "seconds" shall include so-called rejects and irregulars. This section, however, shall not be deemed to require that the mark of "seconds" be placed on the handkerchief itself in instances where the purchasing and consuming public is fully informed by placards and signs displayed in immediate conjunction with the handkerchiefs and disclosing that they are seconds: *Provided*, That all other requirements of the section are met and no deception, directly or by reason of concealment, is involved.

(b) It is an unfair trade practice to deceptively conceal the fact that said handkerchiefs are seconds, or to fail or refuse to make said disclosure of seconds as and to the end specified in paragraph (a) of this section. [Rule 16]

§ 181.17 *Misrepresentation of men's handkerchiefs in respect to size.* (a) It is an unfair trade practice to offer for sale, sell, or distribute any handkerchief as "men's handkerchiefs", or to use such term, or term of similar import, in advertising, labeling, or other representation as descriptive of handkerchiefs, when any one of the two dimensions of the respective handkerchiefs is less than 16 inches in its finished state, or when such products are not otherwise "men's handkerchiefs."

(b) To the end of preventing confusion, misunderstanding, and deception of the purchasing and consuming public, handkerchiefs which are rectangular, and not square as customarily produced in the industry, shall not be so boxed or packaged as to present only the long side to purchasers or consumers when buying the handkerchiefs in retail stores or other marketing channels. Both sides or dimensions of the handkerchiefs should be equally accessible to the purchaser in order that the probabilities of deception and misunderstanding may be eliminated. [Rule 17]

§ 181.18 *Use of term "hand-rolled."* It is an unfair trade practice to label handkerchiefs or the package or the container of handkerchiefs with the word "hand-rolled," or to use that term in advertising representations, unless the entire hem of the handkerchiefs so described has in fact been rolled by hand labor. [Rule 18]

§ 181.19 *Imitation of trade-marks, trade names, etc.* The practice of imitating, or causing to be imitated, the trade-marks, trade names, or other exclusively owned symbols, marks of identification, designs, or patterns of com-

¹ As used throughout this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

petitors, which have not been dedicated to the public either directly or by operation of law, and where such imitation has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, it is an unfair trade practice. [Rule 19]

§ 181.20 *Discriminatory returns.* It is an unfair trade practice for any member of the industry to discriminate in favor of one customer-purchaser against another customer-purchaser of handkerchiefs, bought from such member of the industry for resale, by offering or permitting such favored purchaser the privilege of returning handkerchiefs so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* That nothing in § 181.1 to 181.21 shall prohibit or be used to prevent the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has been improperly labeled by the seller as to fiber content, or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to warranty or purchase contract. [Rule 20]

§ 181.21 *Tie-in sales.* The practice of coercing or requiring the purchase of one or more products as a prerequisite or condition to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 21]

GROUP II

§ 181.100 *General statement.* Compliance with trade practice provisions embraced in §§ 181.100 to 181.105 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such sections does not per se constitute violation of law. Where, however, the practice of not complying with any such sections is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 181.1 to 181.21.

§ 181.101 *Record keeping.* The industry approves the practice of each seller of handkerchiefs independently keeping an accurate record of all handkerchiefs sold, showing date of sale, make, type, quantity, and price, which record should be kept for a period of not less than two years after date of sale: *Provided, however,* That such records, or the keeping thereof, shall in no way be used, directly or indirectly, as part of or in connection with any practice, method, or plan contrary to § 181.12; *And provided further,* That nothing in this section shall be construed to limit or to modify the record-keeping requirements of the Wool Products Labeling Act of 1939 and the rules and regulations thereunder in respect to, and on the part of manufacturers of, handkerchiefs or other products containing, purporting to contain, or represented as containing, woolen fiber and subject to the act mentioned. [Rule A1]

§ 181.102 *Forms of contract.* The industry records its approval of the preparation and publication, in cooperation with suppliers and customers, of proper and lawful forms of contracts for voluntary use, which forms will leave open for negotiation by the respective parties all terms and conditions thereof, including prices, discounts, and other terms or conditions of sale; *And provided further,* That such forms, and the use thereof or any action in relation thereto, shall not be in restraint of trade. [Rule B]

§ 181.103 *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry. [Rule C]

§ 181.104 *Dissemination of credit information.* The industry records its approval of the distribution among members of the industry of information covering delinquent and slow credit accounts insofar as such may be lawfully done. [Rule D]

§ 181.105 *Recording of trade-marks.* To avoid confusion the industry recommends that each member thereof voluntarily file with some person designated by the industry all trade-marks, trade

names, labels, or brands belonging to and used by such member, and that such information be made equally available to all members of the industry and to the public. [Rule E]

A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission in the enforcement of these rules and to perform such other acts as may be legal and proper to make these rules effective.

Promulgated and issued by the Federal Trade Commission February 18, 1949.

[SEAL]

D. C. DANIEL,
Secretary.[F. R. Doc. 49-1280; Filed, Feb. 17, 1949;
8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury

[T. D. 52150]

PART 3—LIABILITY FOR DUTIES, ENTRY OF
IMPORTED MERCHANDISE

SALE IN TRANSIT

Section 8.8, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.8), is hereby amended by adding the following new paragraph (d), and redesignating paragraphs (d), (e), (f), and (g) as paragraphs (e), (f), (g), and (h), respectively:

§ 8.8 *Requirements on entry.* * * *

(d) If entry is made by or for the account of one who has purchased the goods while they were in transit from the point of exportation to the port of entry, a statement showing the price paid for each item by such purchaser must be presented at the time of entry.

(Sec. 484, 46 Stat. 722, sec. 12, 52 Stat. 1033; 19 U. S. C. 1484)

Insert T. D. 50249 (4) as a marginal notation to § 8.8 (d), supra.

[SEAL]

FRANK DCW,
Acting Commissioner of Customs.

Approved: February 11, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.[F. R. Doc. 49-1275; Filed, Feb. 17, 1949;
8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 162]

GENERAL PERMIT FOR ECONOMIC POISONS FOR EXPERIMENTAL USE WHICH ARE ALSO SUBJECT TO NEW DRUG REQUIREMENTS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF INTENTION TO AMEND REGULATIONS FOR ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Notice is hereby given in accordance with section 4 (a) of the Administrative

Procedure Act (5 U. S. C. 1003 (a)) as follows:

Representation has been made to the United States Department of Agriculture that certain economic poisons which are being studied to determine their effectiveness—as, for example, a preparation intended for use in the control of scabies—are subject to the permit requirements of section 7a (4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C., Supp. 1, sec. 135e) and § 162.17 (2) of the regulations (7 CFR, 1947 Supp. 162.17 (2)) thereunder, and also to the “new drug” provisions of section 505 (i) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., sec. 355 (i)) and § 2.114 (21 CFR Cum. Supp.

2.114) of the regulations thereunder. It has been represented further that the information required to be kept under the “new drug” provisions of the Federal Food, Drug, and Cosmetic Act is equally as informative as that required to be furnished in requesting a permit for shipment for experimental use under the Federal Insecticide, Fungicide, and Rodenticide Act, and that compliance with the requirements of both acts is an unnecessary hardship for the manufacturer of such new economic poisons.

Upon the basis of the above representations, request has been made that a regulation be issued which would constitute a general permit under section 7a (4) of the Federal Insecticide, Fungi-

[7 CFR, Part 935]

[Docket No. AO 86-A8]

HANDLING OF MILK IN OMAHA-COUNCIL
BLUFFS MARKETING AREANOTICE OF HEARING ON PROPOSED AMEND-
MENT TO TENTATIVE MARKETING AGREEMENT
AND TO ORDER, AS AMENDED

cide, and Rodenticide Act for the shipment of economic poisons for experimental use only, when the economic poisons also come within the new drug provisions of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., sec. 355) and are shipped in accordance with the provisions of section 505 (i) of that act and § 2.114 of the regulations thereunder, as presently in effect.

To effectuate this purpose it is proposed, pursuant to section 6a of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C., Supp. 1, sec. 135d), to amend § 162.17 of the regulations issued under said act (7 CFR 1947 Supp. 162.17) by designating as paragraph (d) the provisions now appearing under paragraph (c) and by inserting a new paragraph (c) reading as follows:

(c) *General permit for economic poisons for experimental use which are also subject to the new drug requirements of the Federal Food, Drug, and Cosmetic Act.* (1) Notwithstanding the provisions of paragraph (b) of this section, a general permit is hereby issued under section 7a (4) of the act to the manufacturers and shippers of economic poisons for experimental use only, to ship such economic poisons, *Provided:* (1) That the product is a "new drug" within the meaning of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., sec. 355), (2) that it is subject to, and the manufacturer or shipper complies with, the provisions of section 505 (i) of said act (21 U. S. C., sec. 355 (i)) and § 2.114 of the regulations (21 CFR Cum. Supp. 2.114) thereunder, as presently in effect and (3) that the documents referred to in said § 2.114 shall be made available for inspection upon the request of any officer or employee of the Production and Marketing Administration of the United States Department of Agriculture at any reasonable time within three years after the introduction of the product into interstate commerce.

(2) The general permit referred to in the preceding paragraph shall apply only insofar as the experimental uses are for drug purposes within the meaning of the Federal Food, Drug, and Cosmetic Act. It shall not apply to other experimental uses even though the product may be intended for both drug and non-drug uses.

Any person who wishes to file written data, views, or arguments on the foregoing proposed amendment may do so by filing them with the Chief of the Insecticide Division, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of February 1949.

[SEAL]

H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-1286; Filed, Feb. 17, 1949; 8:51 a. m.]

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq.), notice is hereby given of a public hearing to be held in the Post Office Building, at Omaha, Nebraska, beginning at 10:00 a. m. c. s. t., March 3, 1949, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth to the tentative marketing agreement, as heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area (7 CFR, Supps., 935.0 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments on which evidence will be received were submitted by the Nebraska-Iowa Non-Stock Cooperative Milk Association, Alamito Dairy Company, Roberts Dairy Company, and the Dairy Branch, Production and Marketing Administration.

§ 935.1:

Proposed by Alamito Dairy Company:
1. Delete from paragraph (1) the words "during the months of September, October, November and December".

Proposed by Roberts Dairy Company:
2. Delete paragraph (1) and substitute therefor the following:

(1) "Emergency milk" means skim milk and butterfat which is received by a handler as fluid milk from the plant of a non-handler which is approved by the proper health authorities for sale as Class I and Class II milk within the marketing area during any delivery period in which the market administrator determines that the supply of producer milk available to such handler is insufficient to fulfill his Class I and Class II requirements for sales within the marketing area.

§ 935.4:

Proposed by Nebraska-Iowa Non-Stock Cooperative Milk Association:

3. Delete subparagraphs (1) and (2) of paragraph (b) and substitute therefor the following:

(1) Class I milk shall be all skim milk and butterfat disposed of in the form of milk or in the form of skim milk, butter-milk or flavored milk drinks regardless of butterfat content, and all skim milk and butterfat not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour, including any mixture of butterfat and skim milk containing more than 6 percent butterfat, for consumption in fluid form and aerated cream or eggnog.

Proposed by Roberts Dairy Company:
4. Provide for Class I Grade A, Class I non-Grade A, Class II Grade A and Class II non-Grade A.

§ 935.5:

Proposed by Nebraska-Iowa Non-Stock Cooperative Milk Association:

5. Delete the period at the end of the first sentence of paragraph (a) and add the following: "Provided, That the basic price for any of the months of October, November and December shall not be less than the basic price for the preceding month: *And provided further,* That such price for each of the months of January, February and March shall not be less than such price for the preceding month minus \$0.22."

6. Delete subparagraphs (1) and (2) of paragraph (b) and substitute therefor the following:

(1) *Class I.* The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of April, May, June and July and plus \$1.25 during all other months of each year.

(1) The price per hundredweight of butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (1) of this paragraph \$15.00 during the months of April, May, June and July and \$25.00 during all other months of each year.

(2) *Class II.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of April, May, June and July and plus \$1.25 during all other months of each year.

(1) The price per hundredweight of butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (1) of this paragraph \$15.00 during April, May, June and July and \$25.00 during all other months of each year.

Proposed by Alamito Dairy Company:

7. In paragraph (b) (1) after the words "75 cents", "60 cents" and "\$1.00" add the words "for Standard Grade Milk." Then in each case add the following: "\$1.10 for Grade A milk, 95 cents for Grade A milk and \$1.35 for Grade A milk."

In paragraph (b) (2) include the same as recommended for Class I.

In paragraph (b) (3) include "35 cents for Grade A milk."

Proposed by Roberts Dairy Company:
8. Delete subparagraphs (1) and (2) of paragraph (b) and substitute therefor the following:

(1) *Class I.* The price for hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus the following premiums during the delivery periods indicated:

Delivery period	Grade A milk	Non-Grade A milk
January, February, March.....	\$1.30	\$0.95
April, May, June, July, August...	1.10	.75
September, October, November, December.....	1.50	1.15

(i) The price per hundredweight of butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph the following amounts during the delivery periods indicated:

Delivery period	Grade A milk	Non-Grade A milk
January, February, March.....	\$26.00	\$19.00
April, May, June, July, August.....	22.00	15.00
September, October, November, December.....	30.00	23.00

(2) *Class II.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus the following premiums during the delivery periods indicated:

Delivery period	Grade A milk	Non-Grade A milk
January, February, March.....	\$0.95	\$0.60
April, May, June, July, August.....	.75	.40
September, October, November, December.....	1.15	.80

(i) The price per hundredweight of butterfat in Class II milk shall be com-

puted by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph the following amounts during the delivery periods indicated:

Delivery period	Grade A milk	Non-Grade A milk
January, February, March.....	\$19.00	\$12.00
April, May, June, July, August.....	15.00	8.00
September, October, November, December.....	23.00	16.00

Proposed by the Dairy Branch:

9. Insert in subparagraph (1) (i) and (2) (i) of paragraph (b) following the word "paragraph" the words "for the preceding delivery period."

§ 935.6:

Proposed by Alamito Dairy Company:
10. Amend paragraph (b) by adding the following subparagraph: "subtract an amount equal to 35 cents per hundredweight on all Grade A milk."

Proposed by Roberts Dairy Company:
11. Provide for determination by market administrator of uniform price to Grade A milk producers and of uniform price to non-Grade A producers by calculating separate pools for Grade A milk and non-Grade A milk utilization.

§ 935.7:

Proposed by Alamito Dairy Company:
12. Delete that portion of paragraph (a) (3) following the colon and add the following: "multiply the average price per pound of 92 score butter at wholesale in the Chicago market as reported by the Department of Agriculture for the delivery period during which such milk was received by 1.2 and divide by 10, and adjust to the nearest cent."

Proposed by Roberts Dairy Company:

13. Make such other changes in the order as are required to effectuate the intentions of the foregoing proposals.

Copies of this notice of hearing may be procured from Mr. Wayne McPherrin, Market Administrator, Room 418, Post Office Building, Omaha 2, Nebraska, or from the Hearing Clerk, United States Department of Agriculture, Room 1844 South Building, Washington 25, D. C., or may be there inspected.

Dated: February 15, 1949.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 49-1287; Filed, Feb. 17, 1949; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52149]

FRONTERA, TABASCO, MEXICO

"NO CONSUL" LIST

FEBRUARY 11, 1949.

In accordance with a recommendation from the Department of State, Frontera, Tabasco, Mexico, is hereby added to the "No consul" list (1947) T. D. 51797, as amended.

Consular invoices covering merchandise from the above-named place will be accepted if certified under the provisions of section 482 (f), Tariff Act of 1930.

[SEAL] W. R. JOHNSON,
Deputy Commissioner.

[F. R. Doc. 49-1276; Filed, Feb. 17, 1949; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR MINING MACHINERY

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and manufacturers of mining machinery, and after expression of the views of industry, labor and the public generally at an open public hearing held

on December 7, 1948, has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. *What this Plan does.* This Plan sets up the procedure under which steel producers (hereinafter called Producers) agree voluntarily to make steel products available to mining machinery manufacturers who comply with the provisions of this Plan (hereinafter called participating Manufacturers), for use in the manufacture of certain types of mining machinery, mining equipment, and repair parts therefor (hereinafter collectively called mining machinery). The Plan is limited to the types of mining machinery which are listed in the attached schedule and which are designed or intended for use in the extractive mining and quarrying of minerals (other than petroleum and gas) or the smelting and refining of nonferrous ores.

2. *Agreement by steel producers.* During the period this Plan remains in effect, Producers will, out of their own production or that of their producing subsidiaries or affiliates, make available to participating Manufacturers a total of 26,400 net tons of steel products per month (or such other total as may later be agreed upon as the quantity needed to make the program represented by this Plan effective). The 26,400 net tons will be distributed by types approximately as follows (appropriate adjustments in the break-down will be made if the total quantity is changed in order to meet the program requirements):

Type	Net tons per month		
	Carbon steel	Alloy steel	Total
Hot rolled sheets.....	3,525	210	3,735
Hot rolled strip.....	16	16	32
Cold rolled sheets.....	14	14	28
Plates under 3/8 inch.....	4,000	40	4,040
Plates 3/8 inch and over.....	2,640	485	3,125
Hot rolled bars.....	3,800	3,300	7,100
Cold rolled bars.....	210	20	230
Structural shapes.....	6,305	255	6,560
Pipe.....	375	375	750
Tubing.....	720	720	1,440
Slabs.....	355	130	485
Total net tons per month.....	21,900	4,440	26,400

3. *Determination of quantities to be furnished by respective Producers.* Unless otherwise specified in its acceptance of this Plan, the quantities to be made available by each Producer, as its commitment under this Plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. However, upon request of the Secretary of Commerce from time to time, each Producer will give consideration to making additional quantities available. Producers will take credit against their commitments under this Plan only for quantities delivered on orders certified in accordance with Paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective Producers, or their producing subsidiaries and affili-

ates, with the respective participating Manufacturers. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of products, the allocation of business among participating Manufacturers, or any limitation or restriction on the production or marketing of any products. This Plan does not authorize nor approve any fixing of prices, and participation in this Plan does not affect the prices or terms and conditions on which any product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A Producer need make available under this Plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this Plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each Producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the Plan.

7. *Reports from participating Manufacturers.* Each participating Manufacturer will submit the following to the Secretary of Commerce:

(a) *Requirements report.* A report showing the quantities and types of (i) mining machinery (as designated in paragraph 1 above) scheduled for production during each month under this Plan and (ii) steel products required for that scheduled production. If multiple end-use items normally made for stock shipment are involved, the production and requirements figures should include, for these items, only such quantities which are consistent with what regular trade experience records for 1947 show to be the percentage of the Manufacturer's production of such items which normally goes into mining end use. The basis of such computation should be explained.

(b) *Monthly steel consumption report.* A monthly report showing the total quantities and types of steel products (i) received by the participating Manufacturer under this Plan during the preceding month for the manufacture of mining machinery and (ii) put in process by him during that preceding month for that purpose. Such a report should be submitted within ten days after the end of each month during which the participating Manufacturer obtains steel products under this Plan.

(c) *Other reports.* Such other relevant reports as may be requested from time to time by the Secretary of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942).

8. *Determination of allocations for respective participating Manufacturers.* The quantities and types of steel products

to be made available monthly under the Plan to individual participating Manufacturers will be determined by the Secretary of Commerce after consultation with the Mining Machinery Manufacturers Industry Task Committee, subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce after consultation with that Committee.

9. *Obligations of participating Manufacturers.* By participation in this Plan, each participating Manufacturer shall be obligated as follows: To use all products obtained under this Plan solely for and in the manufacture of mining machinery (as designated in paragraph 1 above); not to resell or transfer any products so obtained under this Plan in the form received by the participating Manufacturer except to subsidiaries, affiliates, subcontractors, or fabricators for manufacture or fabrication of subassembly products when specifically provided for in the allocation authorization; not to build up, beyond current needs, any inventories of products obtained, or end products manufactured, under this Plan; and to take appropriate steps to assure that mining machinery manufactured from steel products obtained under this Plan, particularly multiple-use machinery, are directed solely to mining uses. If a participating Manufacturer becomes unable to use, for the purposes of this Plan, any products obtained under this Plan, he shall be further obligated to hold them subject to such other use or disposition (including reallocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

Participation in the benefits in this Plan shall at all times be contingent upon each participating Manufacturer's continued strict compliance with the provisions hereof. In the event of any actual or prospective non-compliance by any participating Manufacturer, the Secretary of Commerce may, after written notice to the participating Manufacturer, take such action as he deems warranted with respect to the Manufacturer's participation in the Plan, including partial or total suspension or termination of participation privileges and notification to the participating steel producers not to make any or certain further shipments under the Plan to such Manufacturer.

10. *Procedure for placing orders under this Plan.* Except when otherwise authorized by the Office of Industry Cooperation, purchase orders under this Plan are to be placed with participating producers or their producing subsidiaries or affiliates and shall be placed not less than 60 days before the first of the month in which delivery is required. Each such purchase order shall bear the following certification by the participating manufacturer:

DEPARTMENT OF COMMERCE VOLUNTARY PLAN
FOR ALLOCATION OF STEEL PRODUCTS FOR
MINING MACHINERY

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the manufacture of mining machinery, and that this order is placed

under, and in strict compliance with, the above Voluntary Plan, with which the undersigned is familiar and in which the undersigned is a participant. The undersigned further certifies that it has been granted a specific allocation under the Plan for the delivery month specified in this order and that the quantity hereby ordered is within that allocation, after taking into account all other certified orders accepted, or pending acceptance, by participating steel producers for that month.

(Name of company)
By _____
(Duly authorized officer)

Date: _____

11. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and mining machinery manufacturers by the Secretary of Commerce, any such producer or manufacturer may become a participant in this Plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers and manufacturers as notify the Secretary of Commerce in writing that they will comply with such requests.

12. *Effective date and duration.* This Plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949, now specified in section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this Plan, in which event this Plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified). However, the Plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days' notice by letter, telegram, or publication in the FEDERAL REGISTER.

13. *Withdrawal from Plan.* Any Producer or participating Manufacturer may withdraw from this Plan by giving not less than 60 days' written notice to the Secretary of Commerce.

14. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this Plan shall be binding upon all participants notified of such interpretation.

Approved: January 3, 1949.

CHARLES SAWYER,
Secretary of Commerce.

Approved: January 3, 1949.

TOM C. CLARK,
Attorney General.

**SCHEDULE—TYPES OF MINING MACHINERY
WITHIN SCOPE OF ABOVE PLAN**

(This listing excludes all types designed or intended for petroleum and gas use or for use as housing or erection materials for surface plants)

**A. MACHINERY DESIGNED SPECIFICALLY FOR
MINING**

1. *Crushers.* Stationary mine and smelter type for crushing or grinding. Coal pulverizers are not included.
2. *Underground mine haulage.* Coal and ore cars; mine locomotives (under 20 tons); self-propelled shuttle cars.
3. *Coal cutting machines and cutting machine trucks.*
4. *Portable underground mine conveyors.* All types, including duck bills.
5. *Underground mine hoists.* Slope and shaft.
6. *Underground mineloaders and muckers.*
7. *Ore dressing and coal preparation machinery and equipment.*
8. *Non-ferrous smelting and refining machinery and equipment.*
9. *Specialized underground mining equipment.* Equipment designed specially for underground mining use and not covered in other items in this schedule. This includes such items as aerial tramways; cages and skips; automatic mine doors; dredges; miner's lamps.
10. *Mining drills.* Electric coal drills; blasting and prospecting auger drills for strip-pit coal; diamond and calyx core drills.

**B. OTHER RELATED MACHINERY INTENDED FOR
MINING END-USE**

1. *Conveyors.* All types (belt, bucket elevator, general purpose screen and feeder, car haul) for (a) mechanical handling of ores and minerals in surface plants or (b) permanent installation for primary transportation underground.
2. *Compressors.* Portable or stationary.
3. *Mine fans and blowers.*
4. *Ore cars.* Railroad-type for open-pit mining.
5. *Pumps.* Centrifugal; sump; rotary.
6. *Rock drills.* Drifters; stopers; jackhammers; paving breakers; wagon drills; drill jibs; blast hole drills; drill bit sharpeners.
7. *Power shovels and draglines.*
8. *Miscellaneous equipment.* Other end-product equipment items intended for use in the extractive mining and quarrying of minerals (other than petroleum and gas) or the smelting and refining of non-ferrous ores, although not designed especially for such use.

**A REQUEST UNDER PUBLIC LAW 395, 80TH
CONGRESS, FOR ALLOCATION OF STEEL
PRODUCTS FOR MINING MACHINERY**

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing and mining machinery manufacturing industries and of the interested government agencies, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 7, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for manufacturers of mining machinery, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such manufacturers after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make available monthly approximately 26,400 net tons of steel products (or such other total as may have been agreed upon under the said plan as the quantity needed to make the program effective), during the period March 1, 1949, through August 31, 1949, on certified orders from manufacturers of mining machinery; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That manufacturers of mining machinery place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the manufacture of mining machinery of the types listed in the Schedule attached to the above-mentioned voluntary plan.

In the event that an extension of the effectiveness of the above-mentioned voluntary plan beyond February 28, 1949, takes effect pursuant to appropriate legislation, this request will be superseded by said extended Plan.

Approved: January 3, 1949.

CHARLES SAWYER,
Secretary of Commerce.

Approved: January 3, 1949.

TOM C. CLARK,
Attorney General.

JANUARY 3, 1949.

GENTLEMEN: Enclosed is one copy of each of two documents which have been approved by the Attorney General and myself under Public Law 395, 80th Congress, and which are captioned respectively as follows:

1. Voluntary Plan under Public Law 395, 80th Congress, for Allocation of Steel Products for Mining Machinery, and

2. A Request under Public Law 395, 80th Congress, for Allocation of Steel Products for Mining Machinery (to be effective if Section 2 of Public Law 395 is not extended by appropriate legislation).

I hereby request compliance by you with the Voluntary Plan, and enclose a suggested form for your use in evidencing acceptance of this request.

I hereby also request compliance by you with the Request for Unilateral Action and enclose a suggested form for your use in acknowledging this request and indicating your intention to comply.

Two copies of each form are enclosed. One copy of each is to be returned to me and one is to be retained for your files.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

JANUARY 3, 1949.

GENTLEMEN: Enclosed is one copy of each of two documents which have been approved by the Attorney General and myself under Public Law 395, 80th Congress, and which are captioned respectively as follows:

1. Voluntary Plan under Public Law 395, 80th Congress, for Allocation of Steel Products for Mining Machinery, and

2. A Request under Public Law 395, 80th Congress, for Allocation of Steel Products for Mining Machinery (to be effective if Section 2 of Public Law 395 is not extended by appropriate legislation).

I hereby request compliance by you with the Voluntary Plan, and enclose a suggested form for your use in evidencing acceptance of this request.

I hereby also request compliance by you with the Request for Unilateral Action and enclose a suggested form for your use in acknowledging this request and indicating your intention to comply.

Two copies of each acceptance form are enclosed. One copy of your acceptance is to be returned to me and one is to be retained for your files.

Since it is essential that I be informed without delay of the amount of steel products to be allocated under the Plan, I must know as promptly as possible how many consumers desire to participate. I trust, therefore, that I may have your favorable response on or before January 10, 1949. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above request for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products for Mining Machinery was sent to steel companies listed in an attachment filed with the original document.

[F. R. Doc. 49-1274; Filed, Feb. 17, 1949; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3609]

JOINT APPLICATION OF AMERICAN AIRLINES,
INC., AND DELTA AIR LINES, INC., FOR
APPROVAL OF INTERCHANGE OF EQUIP-
MENT AGREEMENT

NOTICE OF HEARING

In the matter of the temporary approval of the interchange of equipment agreement under the joint application filed pursuant to sections 408 and 412 of the Civil Aeronautics Act by American Airlines, Inc., and Delta Air Lines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above-entitled proceeding is assigned for hearing on February 28, 1949, at 10:00 a. m. (eastern standard time) in Conference Room "C," Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner J. Earl Cox.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(1) Whether the agreement is adverse to the public interest or in violation of the act.

(2) Whether there is substantial control of either carrier by the other to require approval by the Civil Aeronautics Board under section 408 of the act; and if such approval is necessary whether such control is inconsistent with the public interest and whether it would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding shall file with the Board on or before February 28, 1949, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., February 14, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-1264; Filed, Feb. 17, 1949;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9229]

PICTURE WAVES, INC. (WTVN)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Picture Waves, Inc. (WTVN), Columbus, Ohio, Docket No. 9229, File No. BMPCT-346; for additional time in which to complete construction of TV station WTVN, Columbus, Ohio.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of February 1949;

The Commission having under consideration the above-entitled application of Picture Waves, Inc. (File No. BMPCT-346) for additional time in which to complete construction of TV broadcast station WTVN, Columbus, Ohio; and

It appearing, that on March 17, 1948, the Commission granted Picture Waves, Inc. a construction permit for a TV broadcast station at Columbus, Ohio (BPCT-288); and

It further appearing, that the construction of the TV broadcast station authorized on March 17, 1948 has not been completed, and the Commission being fully advised in the premises;

It is ordered, That, pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, the above-entitled application (File No. BMPCT-346) is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether Picture Waves, Inc. has been diligent in proceeding with the construction of the television station at Columbus, Ohio as authorized by the construction permit granted March 17, 1948 (File No. BPCT-288)

2. To determine whether it would be in the public interest, convenience and necessity to grant the application of Picture Waves, Inc. (File No. BMPCT-346) for additional time in which to construct the TV broadcast station at Columbus, Ohio, as authorized by the Commission on March 17, 1948 (File No. BPCT-288).

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-1278; Filed, Feb. 17, 1949;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-32, 70-2029]

NEW YORK STATE ELECTRIC & GAS CORP.
ET AL.

NOTICE OF FILING AND ORDER FOR HEARING,
RECONVENING PROCEEDING, CONSOLIDATION OF PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of February 1949.

In the matters of New York State Electric & Gas Corporation, Associated Electric Company, General Public Utilities Corporation, File No. 70-2029; General Public Utilities Corporation, File No. 59-32.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, its subsidiary, Associated Electric Company ("Aelec"), also a registered holding company, and the former's subsidiary, New York State Electric & Gas Corporation ("New York State"), a public utility company, have filed with this Commission joint applications-declarations, as amended, pursuant to the provisions of the Public Utility Holding Company Act of 1935. Declarants have designated sections 6, 7, 9, 10, 11, 12 and 15 of the act and Rules U-44 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint applications-declarations, as amended, which are on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

1. New York State proposes to amend its certificate of incorporation so as to (a) increase the number of authorized shares of its common stock from 880,000 to 1,100,000 and the number of authorized shares of its preferred stock from 185,000 to 225,000; (b) grant the right of cumulative voting to the holders of its common stock in the election of its board of directors; and (c) restrict the payment of dividends on its common stock, so long as any shares of its preferred stock are outstanding, so that, if its common stock equity is less than 25% of its total capitalization, the amount of dividends payable on its common stock may not exceed 75% of its net income available for common stock in the preceding 12 months, and if its common stock equity is less than 20% of its total capitalization, the amount of dividends payable on its common stock may not exceed 50% of its net income available for common stock in the preceding 12 months' period.

2. (a) GPU owns all the outstanding common stock of New York State, consisting of 880,000 shares of par value of \$25 per share. GPU will issue to its stockholders warrants which will give the holder thereof the right for a period of not exceeding 30 days to subscribe for common stock of New York State at the rate of 1 share of New York State common stock for each 10 shares of GPU common stock held by such stockholder. No fractional shares of New York State

common stock will be sold, but in cases of fractional warrants, the warrant will give the right to purchase, in lieu of any fractional shares, a full share thereof. The record date for determining the persons entitled to receive such warrants and the price at which such warrants may be exercised will be supplied by amendment. Such offering will not be underwritten but GPU will enter into an agreement with a dealer-manager group consisting of the First Boston Corporation, Lehman Brothers, Wertheim & Co., and Merrill Lynch, Pierce, Fenner & Beane which will agree to use its best efforts to form and manage a group of securities dealers to enable GPU to dispose of the shares of New York State common stock covered by the warrants.

(b) During the first 12 days of the subscription period, GPU will, upon the request of the initial record holder of any warrant, purchase his warrants at a fixed price (to be determined at the time the subscription price for exercising of warrants is determined) or at such higher price as shall be obtained by GPU as the value attributable to the rights evidenced by such warrants upon the sale, during the period of the subscription offer, of the shares deliverable upon the exercise of such warrants.

(c) During the period of the subscription offer, dealers may, through the representative of the dealer-manager group, purchase from GPU, at a price to be fixed by amendment, all or any part of such number of shares of New York State common stock as GPU has available for sale with respect to (i) warrants purchased by GPU for its stockholders during the first 12 days of the subscription offer or (ii) warrants purchased during the last 18 days of the subscription offer for the account of GPU as set forth below.

(d) After the end of the initial period of 12 days and until the expiration of the warrants, the dealer-manager group may, with the approval of GPU and for its account, purchase warrants from any holder thereof, at a price to be fixed by amendment, it being the intention of GPU and the dealer-manager group that, so far as practicable, the warrants so purchased in any 24 hour period shall be in an amount which shall evidence the right to purchase approximately the number of shares of New York State common stock purchased by dealers from GPU in any said period pursuant to the proposal described above.

3. Depending upon the amount of net proceeds realized by GPU from the sale of shares of common stock of New York State, GPU will utilize such net proceeds for some or all of the following purposes, the details of which will be supplied by amendment: (a) for the payment of a portion of GPU's outstanding indebtedness to banks; (b) to increase GPU's investments in its direct operating subsidiaries; and (c) to increase GPU's investment in Aelec through cash capital contributions, the purchase of additional shares of Aelec common stock, or the purchase of outstanding debentures of Aelec.

4. Aelec proposes to adjust the carrying value of its investments at December 31, 1948 and to effect an "accounting reorganization" in connection therewith

so as to provide for certain reserves, the reduction of the stated value of its capital stock and transfer of an equivalent amount to capital surplus, and the elimination of the earned surplus deficit through transfer thereof to capital surplus.

5. On December 1, 1941, the Commission entered an order (File No. 60-11) which prohibits Aelee from declaring or paying any dividends on its capital stock unless the consent of this Commission is first obtained. Declarants request the Commission to vacate or modify its order of December 1, 1941 so as to permit Aelee to declare and pay dividends on its common stock.

GPU has requested that the Commission enter an order requiring the divestment by it of its interest in New York State pursuant to the provisions of section 11 (b) of the act.

GPU has also requested that the Commission find that the sale by GPU of the shares of the common stock of New York State is necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

Applicants-declarants state that the amendments to its certificate of incorporation by New York State are subject to the jurisdiction of the Public Service Commission of the State of New York, and that no other transaction is subject to the jurisdiction of any regulatory authority other than this Commission.

The Commission having heretofore instituted a proceeding (designated as File No. 59-32) with respect to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, a registered holding company, pursuant to the provisions of section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act"), to determine the status of the Associated Gas and Electric Corporation holding company system under that section; and

Testimony therein having been taken from time to time, and the hearing therein having been suspended subject to call; and

It appearing that Denis J. Driscoll and Willard L. Thorp have been discharged as Trustees of Associated Gas and Electric Corporation; and

It further appearing that Associated Gas and Electric Corporation has been merged into Associated Gas and Electric Company and the name of the latter company has been changed to General Public Utilities Corporation; and

It appearing appropriate to the Commission that the hearing in the proceeding instituted with respect to General Public Utilities Corporation, as the successor of Denis J. Driscoll and Willard L. Thorp, Trustee of Associated Gas and Electric Corporation, pursuant to section 11 (b) (1) of the act, be reconvened for the purpose of affording an opportunity to the parties and any interested persons to complete the presentation of evidence in such proceeding insofar as it relates to the propriety of the retention by General Public Utilities Corporation of its interest in New York State Electric & Gas Corporation; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with re-

spect to the said joint applications-declarations, as amended, filed by GPU, Aelee, and New York State and the said joint applications-declarations, as amended, should not be granted or permitted to become effective except pursuant to further order of the Commission; and

It further appearing to the Commission that the proceeding instituted pursuant to section 11 (b) (1) of the act with respect to GPU (File No. 59-32) insofar as it relates to its retention of its interest in New York State involves questions of law and fact common to the proceeding with respect to the joint applications-declarations, as amended, filed by GPU, Aelee, and New York State (File No. 70-2029) and that the evidence offered in respect of each of the matters may have a bearing on the other, and that substantial savings in time, effort and expense will result if said matters are consolidated:

It is hereby ordered, That the proceeding instituted under section 11 (b) (1) of the act with respect to GPU (File No. 59-32) and the joint applications-declarations, as amended, filed by GPU, Aelee, and New York State (File No. 70-2029) be, and hereby are, consolidated.

It is further ordered, Pursuant to sections 6, 7, 11 (b) (1), 12, 15, and 18 of the act that a hearing be held on said matters, as consolidated, on February 21, 1949, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with these proceedings or proposing to intervene therein shall file with the Secretary of the Commission, on or before February 18, 1949, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen McCullen, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said joint applications-declarations, as amended, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matter and questions upon further examination:

1. Whether an order should be entered forthwith, pursuant to the provisions of section 11 (b) (1) of the act, requiring GPU to divest itself of all its interest in New York State.

2. Whether the proposed offering by GPU of warrants to its stockholders to subscribe for shares of the common stock of New York State is in any respect detrimental to the public interest or the interest of investors.

3. Whether the proposals of GPU (a) to purchase warrants from the initial

holders of record thereof during the first 12 days of the subscription offer or from any holder thereof during the last 18 days of the subscription offer and (b) to sell such shares of common stock of New York State as GPU may have available as the result of purchasing warrants, are in any respect detrimental to the public interest or the interest of investors.

4. Whether the proposed arrangements between GPU and the dealer-manager group and the dealer group are, in all respects, appropriate in the public interest and in the interest of investors.

5. Whether the proposed reduction in the stated value of the capital stock of Aelee and the proposed accounting reorganization of Aelee will result in an unfair or inequitable distribution of voting power among its security holders or is otherwise detrimental to the public interest or the interest of investors.

6. Whether it is in the public interest and in the interest of investors to vacate or modify the order entered by this Commission on December 1, 1941, prohibiting Aelee from declaring or paying dividends on its common stock and, if so, what terms or conditions, if any, should be imposed in connection therewith.

7. Whether the proposed accounting treatment of the several transactions on the books of the respective applicants-declarants is proper.

8. Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

By the Commission.

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 49-1269; Filed, Feb. 17, 1949; 8:50 a. m.]

[File No. 70-2038]

PROVINCETOWN LIGHT AND POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of February 1949.

Provincetown Light and Power Company ("Provincetown"), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the transaction summarized below:

Under date of October 15, 1947, Provincetown entered into a General Loan Agreement with the First National Bank of Boston, under which agreement Provincetown borrowed an aggregate amount of \$125,000 represented by promissory notes due December 31, 1952. Provincetown proposes to issue additional promissory notes under the General Loan Agreement not exceeding in the aggregate \$100,000, all of such notes to be dated prior to December 31, 1949 and to mature not later than December 31, 1952, with interest at the rate of 3% per annum,

By letter dated October 14, 1948 the General Loan Agreement was amended to permit the increase in the bank's commitment thereunder from \$125,000 to \$225,000 with interest on the additional amount increased from 2½% to 3%. Provincetown proposes to use the funds received from the sale of the said notes to pay an existing short-term bank note in the principal amount of \$21,500, and for necessary additions and betterments to plant and property. Provincetown is subject to the jurisdiction of the Department of Public Utilities of Massachusetts, which department approved the issue and sale of the additional notes by order dated December 20, 1948.

Said application having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-1272; Filed, Feb. 17, 1949;
8:49 a. m.]

[File No. 70-2041]

MINNESOTA POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 14th day of February A. D. 1949.

Notice is hereby given that Minnesota Power & Light Company ("Minnesota"), a utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, which is also a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (a) and 7 of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Minnesota proposes to issue, and sell pursuant to the competitive bidding requirements of Rule U-50, \$4,000,000 principal amount of its First Mortgage Bonds ... Series, due 1979, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of September 1, 1945, as supplemented by a First Supplemental Indenture to be dated as of March 1, 1949.

The application-declaration states that the proceeds from the sale of the Bonds together with the proceeds to be received by the company from the sale of 59,090 shares of common stock proposed to be offered to the present stockholders of Minnesota on a pro rata basis (Holding Company Act Release No. 8828) will be used to retire short term bank loans aggregating \$2,400,000 and to finance in part the company's construction program and for other corporate purposes.

Applicant-declarant requests that the Commission's order herein be issued as promptly as may be practicable and that it become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may not later than February 23, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 23, 1949, said application-declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transaction therein proposed.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-1271; Filed, Feb. 17, 1949;
8:49 a. m.]

[File No. 70-2059]

LONG ISLAND LIGHTING CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of February 1949.

Notice is hereby given that a declaration has been filed with this Commission by Long Island Lighting Company ("Long Island"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. Declarant has designated section 6 (a) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Long Island proposes to issue and sell \$16,000,000 principal amount of sinking fund debentures, maturing May 1, 1969. The sinking fund would retire the entire issue by maturity.

From the proceeds of the sale of said debentures the company will redeem its

presently outstanding debentures in the principal amount of \$5,974,000 and pay its presently outstanding bank loans in the face amount of \$10,000,000.

Declarant proposes to sell the said debentures privately to insurance companies and other institutional investors. The company has requested that the Commission except the issue and sale of said debentures from the competitive bidding requirements of Rule U-50.

Declarant states that the transaction is subject to the jurisdiction of the Public Service Commission of the State of New York.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration, and that such declaration shall not be permitted to become effective except pursuant to further order of the Commission:

It is hereby ordered, Pursuant to sections 6 (a), 7 and 18 of the act that a hearing be held on said declaration on February 24, 1949, at 10:00 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before February 21, 1949, a written request relative thereto, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Harold B. Teegarden, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said declaration, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether compliance by Long Island with the competitive bidding requirements of Rule U-50 is not necessary or appropriate under the circumstances.

2. Whether the issue and sale by Long Island of the said debentures comply with the applicable requirements of section 7 of the act.

3. What terms and conditions, if any, with respect to the proposed issue and sale of said debentures shall be prescribed in the public interest or for the protection of investors or consumers.

4. The propriety of the proposed accounting treatment of the transaction on the books of declarant.

5. Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

It is further ordered, That at said hearing evidence shall be adduced with re-

spect to the foregoing matters and questions.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-1270; Filed, Feb. 17, 1949;
8:49 a. m.]

[File No. 70-2062]

**ARKANSAS POWER & LIGHT CO. AND LAKE
CATHERINE CORP.**

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of February A. D. 1949.

Arkansas Power & Light Company ("Arkansas"), a utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, which is also a registered holding company, and Arkansas' wholly owned non-operating subsidiary, Lake Catherine Corporation ("Lake Catherine"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 9, 10 and 12 (f) of the act and rules U-42 and U-43 of the rules and regulations promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Arkansas owns all the outstanding securities of Lake Catherine, consisting of 100,000 shares of common stock of the stated value of \$1,000,000 for which Arkansas paid cash in the amount of \$1,000,000. Arkansas has subsequently advanced \$1,025,000 to Lake Catherine on open account to meet commitments of the latter corporation.

Lake Catherine was organized by Arkansas for the purpose of acquiring from War Assets Administration an incomplete generating plant at Jones Mills, Arkansas, for a cash consideration of \$925,000. As a condition of the purchase contract Lake Catherine or Arkansas was to install a generating station of 80,000 kw of generating capacity for the purpose of delivering power up to that capacity to the operator of certain pot lines in the aluminum reduction plant at Jones Mills, Arkansas.

The application proposing the formation of Lake Catherine and the purchase of its stock by Arkansas stated that definitive arrangements for the ultimate ownership and means of financing the generating plant had not been developed but that Arkansas expected to complete such plans within one year after acquisition of the plant by Lake Catherine. It was further stated in that application that within that period Arkansas would apply for authority to liquidate Lake Catherine or merge it into Arkansas unless such period should be extended by this Commission.

Arkansas and Lake Catherine now propose to liquidate Lake Catherine through a surrender by Arkansas of all the outstanding stock of Lake Catherine for cancellation, the cancellation of the debt owing by Lake Catherine to Arkansas and such additional debt as may be incurred up to the time of dissolution of

Lake Catherine, and the assumption by Arkansas of all of Lake Catherine's liabilities and obligations in exchange for the transfer to Arkansas of all of Lake Catherine's properties and assets. Lake Catherine will thereupon be dissolved.

The application-declaration requests that the order of the Commission issue prior to March 1, 1949 in order that the accounts of Lake Catherine may be closed as of the end of February 1949.

Notice is further given that any interested person may, not later than February 25, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 25, 1949 at 5:30 p. m., e. s. t., said application-declaration, as filed or as

amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-1273; Filed, Feb. 17, 1949;
8:49 a. m.]

**UNITED STATES TARIFF
COMMISSION**

[List No. 4 (E)]

AMERICAN BASQUE BERETS, INC.

APPLICATION FOR INVESTIGATION

FEBRUARY 15, 1949.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of Part III, Executive Order 10004 of October 5, 1948.

Name of article	Purpose of request	Date received	Name and address of applicant
Knitted berets, wholly of wool, valued at more than \$2 per pound (par. 1114 (d), Tariff Act of 1930).	To determine whether such berets are being imported in such increased quantities as to cause or threaten serious injury to domestic producers.	Feb. 11, 1949	The American Basque Berets, Inc., 7 West 39th St., New York, N. Y.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission building, Eighth and E Streets NW., Washington, D. C., where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 49-1279; Filed, Feb. 17, 1949;
8:48 a. m.]

DEPARTMENT OF JUSTICE

**Immigration and Naturalization
Service**

CHANGE IN FIELD SERVICE DISTRICT BOUNDARIES AFFECTING DISTRICT NO. 10, SPOKANE, WASHINGTON, AND DISTRICT NO. 12, SEATTLE, WASHINGTON

FEBRUARY 2, 1949.

Effective April 1, 1949, all of the territory included in Immigration and Naturalization Service District No. 10 with headquarters at Spokane, Washington, will be transferred to District No. 12 with headquarters at Seattle, Washington.

The boundaries of those districts were defined in § 60.1 of Chapter I, Title 8 of the Code of Federal Regulations, until the codification of that section was discontinued on November 19, 1948 (13 F. R. 6760).

(Sec. 3 (a), 60 Stat. 237; 5 U. S. C. 1002)

H. R. LANDON,
Acting Commissioner of
Immigration and Naturalization.

Approved: February 14, 1949.

Tom C. Clark,
Attorney General.

[F. R. Doc. 49-1268; Filed, Feb. 17, 1949;
8:49 a. m.]

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 471, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12703]

LOUIS ENDRES

In re: Trust under the will of Louis Endres, deceased. File No. D-28-3005; E. T. sec. 16288.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That (Mrs.) Amalie Hellman, Frieda Schichtl, Gregor Endres, Marie Schuldenzucker, Johann (John) Endres, Julius Endres, Gretchen (Margarete) Endres, Wally Hiltl, Mrs. Josephine (Josefine) Meidert, and Ilse Endres, whose last known address was, on August 25, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of \$1736.23 was paid to the Attorney General of the United States by James Thorpe, Successor Trustee of the Trust under the Will of Louis Endres, deceased;

3. That the said sum of \$1736.23 was accepted by the Attorney General of the United States on August 25, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$1736.23 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of

ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on August 25, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-1281; Filed, Feb. 17, 1949;
8:49 a. m.]

[Vesting Order 12706]

RICHARD HELLMANN AND TITLE GUARANTEE
AND TRUST CO.

In re: Trust under agreement dated January 5, 1926 between Richard Hellmann, grantor, and Title Guarantee and Trust Company, trustee, and amendments. File No. F-28-3629 G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Hellmann and Martha Hellmann, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Kurt Hellmann and Martha Hellmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated January 5, 1926, by and between Richard Hellmann, grantor, and Title Guarantee and Trust Company, trustee, as amended on De-

cember 29, 1927 and on February 15, 1928, presently being administered by Title Guarantee and Trust Company, trustee, 176 Broadway, New York 7, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Kurt Hellmann and of Martha Hellmann are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-1282; Filed, Feb. 17, 1949;
8:50 a. m.]

[Vesting Order 12761]

FERDINAND DUREIN

In re: Trust u/w of Ferdinand Durein, deceased. File D-28-12468; E. T. sec. 16681.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

(1) That Emma Gertrude Selinger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

(2) That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to all personality held by the National Bank of Topeka, as Trustee, under the will of Ferdinand Durein, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

(3) That such property is in the process of administration by the National Bank of Topeka, as trustee, acting under the judicial supervision of the Probate Court of the State of Kansas, in and for the County of Shawnee;

and it is hereby determined:

(4) That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-1283; Filed, Feb. 17, 1949;
8:50 a. m.]

[Return Order 260]

BRONISLAW L. BEILIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Bronislaw L. Beilin, c/o Domo Furniture Manufacturing Co., 171 Minna St., San Francisco, Calif., Claim No. 6079, January 8, 1949 (14 F. R. 118); \$39,632.32 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 10, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-1285; Filed, Feb. 17, 1949;
8:51 a. m.]